

Appl. No. : 10/017,753
Filed : December 11, 2001

Remarks

In response to the Office Action mailed March 28, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-8 remain pending. Claims 1 and 3 have been amended, and new Claims 4-8 have been added.

In the Office Action mailed on March 28, 2003, the Examiner rejected Claims 1-3 as being anticipated by each of Turley (USP 4,892,543); Richards (USP 4,994,082) and Glick (WO 00/66037). The Examiner objected to the specification for improper citation of a prior application relied on for priority, and noted that a number of references cited by Applicant in the Supplemental Information Disclosure Statement filed on November 1, 2002 were not considered due to certain informalities.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected Claims 1-3 as being anticipated by each of Turley, Richards and Glick. Independent Claim 1 has been amended to recite:

1. (AMENDED) An accommodating intraocular lens for implantation in an eye having an optical axis, said lens comprising:
an anterior portion comprising:
an anterior viewing element having a periphery and comprised of an optic having refractive power;
an anterior biasing element comprising at least one anterior translation member attached to a first and second spaced attachment areas on the periphery of said anterior viewing element, each of said first and second attachment areas having a thickness in a direction substantially perpendicular to said periphery and a width in a direction substantially parallel to said periphery, the ratio of said width to said thickness being equal to or greater than 3.

Applicant respectfully submits that amended Claim 1 recites a structure clearly distinct from that of Richards and Glick. For example, neither reference discloses "at least one anterior translation member attached to first and second spaced attachment areas on the periphery of said anterior viewing element." To the contrary, both references disclose members having only single attachment areas. See Richards at Figs. 3-4; Glick at Fig. 6.

Regarding Turley, Applicant has been unable to identify any disclosure of an attachment area having the recited proportions, much less such an attachment area in combination with the rest of the features recited in the present claims. Applicant therefore respectfully requests the Examiner to either withdraw or clarify his rather brief rejection of original Claim 1 over Turley.

Appl. No. : 10/017,753
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For at least these reasons, Applicant respectfully submits that Claim 1 is in condition for allowance over the prior art of record.

Dependent Claims, New Claims

As detailed above, independent Claim 1 is believed to be in condition for allowance over the prior art of record. Applicant further respectfully submits that dependent Claims 2-3 are also in condition for allowance, due to their dependence from allowable base claims as well as their recitation of further novel and nonobvious combinations of features.

Applicant submits herein new Claims 4-8, which are also believed to be allowable over the prior art.

Specification

Applicant submits herein amendments to the specification which are believed to cure the informalities noted by the Examiner.

Information Disclosure Statements

Applicant apologizes for the informalities regarding the Supplemental Information Disclosure Statement filed on November 1, 2002. Applicant submits herewith a Fourth Supplemental Information Disclosure Statement citing (with copies enclosed) several of the references crossed out by the Examiner. Where appropriate, translations are provided. Also enclosed is the fee set forth in 37 C.F.R. §1.17(p).

Applicant also directs the Examiner's attention to the Second and Third Supplemental Information Disclosure Statements filed on March 12 and 28, 2003, soon before and after the mailing of the outstanding Office Action. Applicant respectfully requests the Examiner to consider the references cited in and enclosed with these IDS's, which references include the balance of the references that the Examiner crossed out in the Supplemental Information Disclosure Statement filed on November 1, 2002.

As stated above, Applicant encloses herewith the fee set forth in 37 C.F.R. §1.17(p) in connection with the Fourth Supplemental IDS. The enclosed fee is believed to cover the Third Supplemental IDS as well. However, if an additional fee is due under 37 C.F.R. §1.17(p), the Commissioner is authorized to charge the fee to Deposit Account 11-1410.

Appl. No. : 10/017,753
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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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